



# **PLANNING COMMISSION AGENDA REPORT**

**VI.4**

MEETING DATE: JULY 9, 2007

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-07-05  
390 WEST BAY STREET

DATE: JUNE 28, 2007

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714)754-5136

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## **DESCRIPTION**

The applicant is proposing to construct a 4-unit, 2-story, residential common interest development (condominiums) with variances from open space and driveway parkway landscaping requirements.

## **APPLICANT**

Leonard Bekemeyer is the authorized agent for property owner Nick Kareotes.

## **RECOMMENDATION**

Deny by adoption of Planning Commission resolution.

  
WENDY SHIH  
Associate Planner

  
R. MICHAEL ROBINSON, AICP  
Asst. Development Services Director

**PLANNING APPLICATION SUMMARY**

Location: 390 West Bay Street Application: PA-07-05

Request: Design review to construct a 4-unit, 2-story, residential common interest development (condominiums) with variances from open space and driveway parkway landscaping requirements.

**SUBJECT PROPERTY:**

**SURROUNDING PROPERTY:**

Zone:	<u>R3</u>	North:	<u>Surrounding properties</u>
General Plan:	<u>High Density Residential</u>	South:	<u>are all</u>
Lot Dimensions:	<u>60 ft. x 180 ft.</u>	East:	<u>R2-HD zoned</u>
Lot Area:	<u>10,800 sq.ft.</u>	West:	<u>and developed.</u>
Existing Development:	<u>Two apartment units (to be demolished).</u>		

**DEVELOPMENT STANDARD COMPARISON**

Development Standard	Required/Allowed	Proposed/Provided
Lot Size:		
Lot Width	100 ft.	60 ft. <sup>1</sup>
Lot Area	12,000 sq. ft.	10,800 sq.ft. <sup>1</sup>
Density:		
Zone/General Plan	1 du/2,178 sq.ft.	1 du/2,700 sq.ft.
Building Coverage:		
Buildings	N/A	35% (3,750 sq.ft.)
Paving	N/A	29% (3,112 sq.ft.)
Open Space	Minimum 40% (4,320 sq. ft.)	36% (3,938 sq.ft.) <sup>2</sup>
TOTAL	100%	100%
Private Open Space:	Minimum 10 ft. dimension	Minimum 10 ft. dimension
Building Height:	2 stories/27 ft.	2 stories/27 ft.
Ratio of 2 <sup>nd</sup> floor to 1 <sup>st</sup> floor <sup>3</sup> :	80% (3,000 sq.ft. 2 <sup>nd</sup> floor)	110% (4,117 sq.ft. 2 <sup>nd</sup> floor) <sup>4</sup>
Setbacks:		
Front	20 ft.	20 ft.
1 <sup>st</sup> Floor Side (left/right)	5 ft./5 ft.	5 ft./9 ft.
2 <sup>nd</sup> Floor Side <sup>3</sup> (left/right)	10 ft. average	8 ft. average <sup>4</sup>
Rear (1 <sup>st</sup> floor/2 <sup>nd</sup> floor)	10 ft./20 ft.	20 ft./22 ft.
Parking:		
Covered	4	11
Open	7	0
Guest	2	2
TOTAL	13 Spaces	13 spaces
Parkway Landscaping	Minimum 10 ft. combined width	3 ft. – 8 ft. combined width <sup>2</sup>
CEQA Status	Exempt, Class 3	
Final Action	Planning Commission	

1 Existing, nonconforming.

2 Variance requested.

3 Residential Design Guidelines.

4 Does not comply with Residential Design Guidelines. See staff report discussion.

**BACKGROUND/PROJECT DESCRIPTION**

The subject property is located mid-block between Harbor Boulevard and Newport Boulevard, on the north side of West Bay Street. It is zoned R3 (Multiple-Family Residential) with a General Plan designation of High Density Residential.

The applicant proposes to demolish the existing apartments and construct an attached, 4-unit residential common interest development (condominiums). The applicant requests variances from open space and driveway parkway landscaping requirements to accommodate the project.

If the project is approved, a parcel map will be required to be approved and recorded before building permits can be issued for the condominiums. The applicant is aware of this requirement but did not want to incur the cost of having the map prepared until Planning Commission acted on the subject application.

**ANALYSIS****Design Review**

Proposed residential common interest developments are subject to a design review, which requires Planning Commission consideration. This allows review of the structures' scale, site planning, landscaping, appearance, and any other applicable features relative to a compatible and attractive development.

To minimize second story/ mass, the City's residential design guidelines recommend that the second floor not exceed 80% of the first floor area and that it be set back an average of 10 feet from the side property lines. The proposed second to first floor ratio is 110% and has an 8-foot average second floor left side setback. However, variable rooflines, multiple building planes, architectural projections and offsets provide architectural interest and visual relief. The setbacks and placement of windows are also designed to minimize privacy impacts and direct views into windows on adjacent properties.

Although the design of the structure meets the intent of the design guidelines, staff cannot recommend approval of the project due to insufficient open space (see discussion below).

**Variances – Driveway Parkway Landscaping and Open Space**

The applicant requests approval of variances from open space (40% required; 36% proposed) and driveway parkway landscaping requirements (10 feet combined width required; 3 to 8 feet combined width proposed) to accommodate the project.

It is staff's opinion the nonconforming 60-foot lot width (100 feet required) creates the justification for the driveway parkway landscaping. There is limited width to accommodate the required 16-foot driveway, 5-foot side building setbacks with 10-foot minimum dimensions for private open space, adequate vehicle back out distance, and a 10-foot combined width for driveway parkway landscaping. The intent of the driveway

parkway landscaping requirement was to provide visual relief for long driveways serving multiple dwelling units. Along with the 10-foot front common area landscape on the left side of the driveway, the applicant also proposes a 3-foot to 6-foot wide landscape strip along the right side of the driveway and a 2-foot strip in front of units 1 and 3 to provide visual relief from the street. Since landscaping will be provided on both sides of a relatively short driveway (approximately 140 feet), visual impacts should be negligible.

Although staff feels that special circumstances exist to justify approval of the driveway parkway landscaping variance, staff cannot support the project because it has insufficient open space. Staff feels that the application of the open space requirement will not deprive the property of privileges enjoyed by others in the vicinity under the same zoning district. The nonconforming lot width and area do not preclude a project from providing adequate open space. There have been many projects on nonconforming lots that were designed to meet the open space requirement. It is staff's opinion that special circumstances applicable to the property do not exist to justify granting of the open space variance and that approval would constitute a grant of special privileges inconsistent with other properties in the same zoning district.

### **GENERAL PLAN CONFORMITY**

The property has a general plan designation of High Density Residential. Under this designation a maximum of 4 units are allowed on the site and 4 units are proposed. As a result, the use and density conforms to the City's General Plan.

### **ALTERNATIVES**

1. If the application is approved, it would allow construction of the proposed 4-unit condominium project.
2. If the application is denied, the property could not be subdivided or built as proposed. The applicant could not submit substantially the same type of design for six months.

### **ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act under Section 15332 for In-Fill Development Projects.

### **CONCLUSION**

The R3 zone of the property allows a maximum of 4 dwelling units. The applicant proposes a 4-unit condominium project that satisfies the majority of the City's residential development standards and the intent of the design guidelines. However, it is staff's opinion that special circumstances applicable to the property do not exist to justify approval of the open space variance that is requested to accommodate the project and that approval would constitute a grant of special privileges inconsistent with other properties in the same zoning district.

Attachments: Draft Planning Commission Resolution  
Exhibit "A" - Draft Findings  
Exhibit "B" - Draft Conditions of Approval  
Zoning/Location Map  
Plans

cc: Deputy City Mgr.-Dev. Svs. Director  
Sr. Deputy City Attorney  
City Engineer  
Fire Protection Analyst  
Staff (4)  
File (2)

Leonard Bekemeyer  
2970 Harbor Blvd., Ste. 203  
Costa Mesa, CA 92626

Nick Kareotes  
390 West Bay Street  
Costa Mesa, CA 92627

File: 070907PA0705	Date: 062207	Time: 11:30 a.m.
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**RESOLUTION NO. PC-07-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA DENYING PLANNING APPLICATION  
PA-07-05**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Leonard Bekemeyer, authorized agent for Nick Kareotes, with respect to the real property located at 390 West Bay Street, requesting approval of a design review to construct a 4-unit, 2-story, residential common interest development (condominiums) with variances from open space and driveway parkway landscaping requirements, in the R3 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 9, 2007.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-07-05 with respect to the property described above.

**PASSED AND ADOPTED this 9<sup>th</sup> day of July, 2007.**

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Donn Hall, Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA )  
 )ss  
COUNTY OF ORANGE )

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on July 9, 2007, by the following votes:

**AYES: COMMISSIONERS**

NOES: COMMISSIONERS

**ABSENT: COMMISSIONERS**

**ABSTAIN: COMMISSIONERS**

**Secretary, Costa Mesa  
Planning Commission**

**EXHIBIT "A"****FINDINGS**

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(14)(a) in that although the proposed building itself incorporates architectural features to provide visual interest and the second story windows are placed to minimize privacy impacts on adjoining properties, the project as a whole does not include provision of the minimum required open space.
- B. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (g)(1) because although special circumstances (nonconforming lot width) applicable to the property exist to justify approval of the variance from driveway parkway landscaping requirement, and landscaping is proposed on both sides of a relatively short driveway thus minimizing visual impacts, they do not exist to justify approval of the open space variance that is required to accommodate the project. There have been many projects on nonconforming lots that are designed to meet the open space requirement. The nonconforming lot width and area do not preclude a project from providing adequate open space. The application of open space requirement would not deprive such property of privileges enjoyed by others in the vicinity under identical zoning classifications. Approval of an open space variance would constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15332 for In-Fill Developments.
- D. The project, as conditioned, is consistent with Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.
- E. The rear building of this development is at an excessive distance from the street, but the plan does not lend itself to fire apparatus access or placement of an on-site fire hydrant. Problems associated with the depth of buildings on the property can be somewhat reduced by installation of a residential sprinkler system.



**EXHIBIT "B"****CONDITIONS OF APPROVAL (if project is approved)**

- Plng.
1. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
  2. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
  3. The final map shall show easements or other provisions for the placement of centralized mail delivery units, if applicable. Specific locations for such units shall be to the satisfaction of the Planning Division, Engineering Division, and the US Postal Service.
  4. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
  5. To avoid an alley-like appearance, the driveways shall be developed without a center concrete swale. Design shall be approved by the Planning Division.
  6. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
  7. The site plan submitted with initial working drawings shall contain a notation specifying the project is a "4-unit condominium common interest development".
  8. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
  9. The applicant shall contact the current cable company prior to issuance

of building permits to arrange for pre-wiring for future cable communication service.

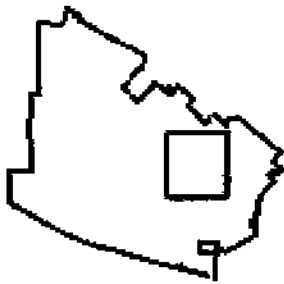
10. The conditions of approval and summary of code requirements and special district requirements of Planning Application PA-07-05 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
11. Provide decorative block wall along the street frontage under the direction of Planning staff.
12. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the release of utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
13. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning staff.
14. Block walls shall be provided on all interior lot lines. New block walls shall be decorative block, subject to approval by the Planning Division. The wall(s) shall have a finished quality on both sides. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them. Block walls visible from the street shall be decorative block and set back from adjacent sidewalks to provide a landscape planter area, subject to approval by the Planning Division.
15. Decorative paving shall be provided within the 20-foot setback at the driveway entry area. This condition shall be completed under the direction of Planning Division.
16. Homeowners Association CC&Rs shall include a requirement that residents park in garages.
17. Grading, materials delivery, equipment operation, and other construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
18. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities.
19. All backflow prevention devices, transformers, and other utility equipment shall be placed behind the 20-foot setback line, and shall be screened from view in a manner approved by the Planning Division.
20. The project is subject to compliance with all applicable federal, state, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
21. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.

Eng

# City of Costa Mesa

390 W. BAY ST. - [Created: 6/22/2007 1:23:03 PM] [Scale: 247.86] [Page: 8.5 x 11 / Landscape]

## Overview Map



## Legend

Address Small	Address Points	Street Names	Parcel Lines	City Boundary	Zoning
					AP
					C1
					C1-S
					C2
					CL
					ISR
					ISR-S
					MG
					MP
					P
					POC
					POI
					PDR-MD
					(cont)

## Map Display



# City of Costa Mesa

390 W. BAY ST. - [Created: 6/22/2007 1:22:09 PM] [Scale: 124.72] [Page: 8.5 x 11 / Landscape]

